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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
FUREMAN, JARED	
ART UNIT	**PAPER NUMBER**
2876	

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/902,074	MASKATIYA ET AL.	
	Examiner	Art Unit	
	Jared J. Fureman	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 August 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20,32-40,42-45 and 49-54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20,32-40,42-45 and 49-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 October 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Receipt is acknowledged of the request for extension of time, RCE, and amendment, filed on 8/12/2003, which have been entered in the file. Claims 1-20 and 32-40, 42-45, and 49-54 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/12/2003 has been entered.

Claim Objections

2. Claims 51 and 52 are objected to because of the following informalities: Claims 51 and 52 are objected to as being incomplete, since claims 51 and 52 depend from claim 23 which has been cancelled. For examination purposes, claims 51 and 52 have been interpreted so as to depend from claim 32. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-10, 13-20, 32-37, 40, 42-45, and 49-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinson et al (US 6,145,738, cited by applicant) in view of Cadorette, Jr. et al (US 6,341,169 B1, previously cited), and Schroeder (US 5,787,186).

Stinson et al teaches a method and system for authorizing a customer to perform transactions with a self-service device (100), the method comprising: extracting a second set of biometric data directly from at least one feature of the customer (images of the customer) using a first identification device (digital video cameras 125); wherein the transactions comprise providing funds in exchange for a financial instrument identifying the name of the customer (cashing a check, see figures 6A and 6B, and column 8 line 33 - column 9 line 43); wherein the financial instrument is a check; wherein the transactions comprise a financial transaction (cashing a check); wherein the transactions comprise a nonfinancial transaction (for example: filing tax returns, see column 14 lines 50-65); recording customer identification information comprising a signature of the customer (the endorsement of the check, see column 8 lines 39-46); the biometric data are derived from facial features, fingerprints, or voice features (see column 9 lines 5-37); wherein the self-service device comprises a self-service kiosk (the device 100 is in kiosk form, see figure 1); comparing the first set of biometric data with a stored set of biometric data (see column 9 lines 5-18); a plurality of networked self-service devices (see figure 4); Stinson et al also suggests that the identification data comprise data derived from different physical features of the customer (the customer's face, and the customer's fingerprint) (also see figures 1, 3, column 2 lines 5-27, 36-43,

column 4 lines 59-67, column 6 lines 5-14, 54-59, column 8 line 33 - column 9 line 43, column 10 line 29 - column 11 line 4, and column 14 lines 50-65).

Stinson et al fails to teach extracting a first set of biometric data regarding the customer from a verification instrument; extracting textual data regarding the customer from the verification instrument; automatically comparing the first and second sets of biometric data; automatically determining, using an evaluation system, whether the first and second sets of biometric data are derived from a single individual; and either: storing the biometric data and the textual data if the automatic determination is that the first and second sets of biometric data are derived from a single individual, or notifying a human operator that the first and second stored sets of biometric data are not derived from the individual/customer and having a human compare the underlying sources for the first and second sets of biometric data if the automatic determination is that the first and second sets of biometric data are not from a single individual and thereafter: determining that the first and second sets of biometric data are derived from the same individual despite differences in the first and second sets of biometric data, inputting feedback information regarding the biometric data differences into the evaluation system to cause the evaluation system to make a determination that the first and second sets of biometric data are from a single individual despite the biometric data differences; recording the biometric data and textual data in a storage device for retrieval during a future transaction with the same customer; wherein the customer identification information comprises information derived from the extracted textual data; wherein the customer identification information comprises a name of the customer;

wherein the customer identification information is further derived from one of the first and second sets of biometric data; wherein the first set of biometric data is derived from image data on the verification instrument; wherein the textual data are derived from data encoded magnetically on the verification instrument; wherein the textual data are derived from data encoded optically on the verification instrument; wherein extracting textual data comprises: extracting a database reference number from the verification instrument and retrieving the textual data regarding the customer from a database with the database reference number; prompting the customer to enter data for comparison with the retrieved textual data; wherein the stored set of biometric has previously been authenticated by comparison between a set of biometric data extracted from a verification instrument and a second set of biometric data extracted directly from at least one feature of the customer; a second identification device adapted to extract a second set of identification data and textual data regarding the customer from a verification instrument; a storage device in communication with the at least one of the self-service devices for storing customer identification information derived from the textual data; means for automatically comparing the first and second sets of identification data to make an automatic determination of whether the first and second sets of identification data are derived from a single individual; wherein the means for automatically comparing is local to the at least one of the self-service devices; wherein the means for automatically comparing is networked with the plurality of self-service devices.

Cadorette, Jr. et al teaches a method and system for authorizing a customer, including a new customer, to perform transactions, the method comprising: extracting a

first set of biometric data regarding the customer from a verification instrument (extracting a photo from the credential, see column 15 lines 40-50), extracting a second set of biometric data directly from at least one feature of the customer (a captured image of the subject, see column 11 lines 51-65, and column 15 lines 40-50), extracting textual data regarding the customer from the verification instrument (see column 12 lines 20-25, and 35-44), automatically comparing the first and second sets of biometric data; automatically determining, using an evaluation system, whether the first and second sets of biometric data are derived from a single individual (as described under "Automatic Evaluation", the system may employ the OFR algorithm to compare the image from the credential to the captured image of the subject, see column 15 lines 40-50); and either: storing the biometric data and the textual data if the automatic determination is that the first and second sets of biometric data are derived from a single individual (a new approved subject database record, see the database tables in columns 7 and 8, column 13 lines 24-56, and column 15 lines 7-59), or notifying a human operator that the first and second stored sets of biometric data are not derived from the individual/customer and having a human compare the underlying sources for the first and second sets of biometric data if the automatic determination is that the first and second sets of biometric data are not from a single individual (as described under "Manual Verification", see column 15 lines 40+) and thereafter: determining that the first and second sets of biometric data are derived from the same individual despite differences in the first and second sets of biometric data (see column 15 lines 54-55), inputting feedback information regarding the biometric data differences into the

evaluation system to cause the evaluation system to make a determination that the first and second sets of biometric data are from a single individual despite the biometric data differences (see column 15 lines 56-57); recording the biometric data and textual data in a storage device for retrieval during a future transaction with the same customer (as described under "Credential Verified", see column 13 lines 24+); wherein the customer identification information comprises information (date of birth, last name, first name, see the approved subject database table in column 8) derived from the extracted textual data; wherein the customer identification information comprises a name of the customer (see the approved subject database table in column 8); wherein the customer identification information is further derived from one of the first and second sets of biometric data (the identifying biometric data element descriptor and the identifying biometric data element are used as a key, see the approved subject database table in column 8); wherein the first set of biometric data is derived from image data on the verification instrument (the photo on the credential); wherein the first and second sets of biometric data are derived from facial features (a facial photo); wherein the textual data are derived from data encoded magnetically on the verification instrument (read using magnetic stripe reader 3, see figure 1 and column 11 lines 1-2); wherein the textual data are derived from data encoded optically on the verification instrument (the printed textual data on the credential); wherein extracting textual data comprises: extracting a database reference number (a credential number for the verification reference database, see column 8) from the verification instrument and retrieving the textual data regarding the customer from a database with the database reference number (see

column 12 lines 35-44); prompting the customer to enter data for comparison with the retrieved textual data (the customer enters the data by providing the credential); wherein the stored set of biometric has previously been authenticated by comparison between a set of biometric data extracted from a verification instrument and a second set of biometric data extracted directly from at least one feature of the customer (see column 3 lines 44-50, the approved subject database in column 8, and column 13 lines 51-65); a plurality of networked devices (see column 4 lines 28-36); a second identification device (optical credential scanner 4) adapted to extract a second set of identification data and textual data regarding the customer from a verification instrument; a storage device (6) in communication with the at least one of the self-service devices for storing customer identification information derived from the textual data; wherein the means for automatically comparing (evaluation station controller 5 and OFR algorithm) is local to the at least one of the self-service devices, wherein the means for automatically comparing (the OFR algorithm and related hardware/software) is networked with the plurality of self-service device (the comparison is performed by an administrative station using an administrative validation request, see column 14 lines 33-47) (also see figures 1-2D, column 1 lines 6-19, column 2 lines 40-50, column 2 line 60 - column 3 line 2, column 3 lines 6-19, 24-50, column 4 lines 28-59, column 5 lines 20-33, column 5 line 60 - column 6 line 8, column 6 lines 17-59, column 7 lines 11-25, the database tables in columns 7 and 8, column 10 line 37 - column 11 line 15, column 11 line 50 - column 12 line 63, column 13 line 24 - column 14 line 4, column 14 lines 12-16, 33-47, and column 15 lines 7-59).

In view of Cadorette, Jr. et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method and system as taught by Stinson et al, extracting a first set of biometric data regarding the customer from a verification instrument; extracting textual data regarding the customer from the verification instrument; automatically comparing the first and second sets of biometric data; automatically determining, using an evaluation system, whether the first and second sets of biometric data are derived from a single individual; and either: storing the biometric data and the textual data if the automatic determination is that the first and second sets of biometric data are derived from a single individual, or notifying a human operator that the first and second stored sets of biometric data are not derived from the individual/customer and having a human compare the underlying sources for the first and second sets of biometric data if the automatic determination is that the first and second sets of biometric data are not from a single individual and thereafter: determining that the first and second sets of biometric data are derived from the same individual despite differences in the first and second sets of biometric data, inputting feedback information regarding the biometric data differences into the evaluation system to cause the evaluation system to make a determination that the first and second sets of biometric data are from a single individual despite the biometric data differences; recording the biometric data and textual data in a storage device for retrieval during a future transaction with the same customer; wherein the customer identification information comprises information derived from the extracted textual data; wherein the customer identification information comprises a name of the customer;

wherein the customer identification information is further derived from one of the first and second sets of biometric data; wherein the first set of biometric data is derived from image data on the verification instrument; wherein the textual data are derived from data encoded magnetically on the verification instrument; wherein the textual data are derived from data encoded optically on the verification instrument; wherein extracting textual data comprises: extracting a database reference number from the verification instrument and retrieving the textual data regarding the customer from a database with the database reference number; prompting the customer to enter data for comparison with the retrieved textual data; wherein the stored set of biometric has previously been authenticated by comparison between a set of biometric data extracted from a verification instrument and a second set of biometric data extracted directly from at least one feature of the customer; a second identification device adapted to extract a second set of identification data and textual data regarding the customer from a verification instrument; a storage device in communication with the at least one of the self-service devices for storing customer identification information derived from the textual data; means for automatically comparing the first and second sets of identification data to make an automatic determination of whether the first and second sets of identification data are derived from a single individual; wherein the means for automatically comparing is local to the at least one of the self-service devices; wherein the means for automatically comparing is networked with the plurality of self-service devices, in order to provide a method for verifying the identity of a new customer using an identification credential, thereby increasing the security of the system.

Stinson et al as modified by Cadorette, Jr. et al fails to specifically teach the use of a trained evaluation system; wherein the trained evaluation system comprises a neural network.

Schroeder teaches a method and system for automatically comparing first and second biometric data (data read from a card 1 and live data captured from an individual) using a trained evaluation system; wherein the trained evaluation system comprises a neural network (see column 1 lines 8-17, column 4 lines 29-52, column 5 line 56 - column 6, column 7 lines 30-39).

In view of Schroeder's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method and system as taught by Stinson et al as modified by Cadorette, Jr. et al, a trained evaluation system; wherein the trained evaluation system comprises a neural network, in order to provide an adaptable evaluation system and thereby provide greater reliability.

5. Claims 11, 12, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinson et al as modified by Cadorette, Jr. et al and Schroeder in view of Norton (US 6,243,689 B1, cited by applicant).

The teachings of Stinson et al as modified by Cadorette, Jr. et al and Schroeder have been discussed above.

Stinson et al as modified by Cadorette, Jr. et al and Schroeder fails to teach wherein the first set of biometric data is derived from data encoded magnetically on the verification instrument; wherein the first set of biometric data is derived from data encoded optically on the verification instrument.

Norton teaches a verification instrument (check 10) having a set of biometric data optically encoded or magnetically encoded thereon (via barcode 30 or a magnetic strip, not shown); and deriving biometric data from data encoded optically or magnetically on the verification instrument (see figures 1, 6, column 4 lines 9-13, 44-67, and column 9 line 19 - column 10 line 13).

In view of Norton's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method and system as taught by Stinson et al as modified by Cadorette, Jr. et al and Schroeder, wherein the first set of biometric data is derived from data encoded magnetically on the verification instrument; wherein the first set of biometric data is derived from data encoded optically on the verification instrument, in order to provide the biometric data in a readily machine readable format.

Response to Arguments

6. Applicant's arguments with respect to claims 1-20 and 32-40, 42-45, and 49-54 have been considered but are moot in view of the new ground(s) of rejection. As discussed above, Schroeder teaches the use of a trained evaluation system for comparing biometric data.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Robinson (US 2003/0061172 A1), Banerjee et al (US 2003/0046096 A1), Lee et al (US 2003/0159052 A1), and Bator et al (US 6,575,362 B1) all teach methods and systems using biometric data for authorizing transactions. Brady

(US 5,892,838) teaches the use of a trained evaluation system for comparing biometrics.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jared J. Fureman
Art Unit 2876

October 18, 2003